

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

MICHAEL KILPATRICK,

Plaintiff,
v.

Case No. 16-01840

JAMES O'ROURKE, et al.

Hon. Terrence G. Berg
Hon. Barbara D. Holmes

Defendant.

ORDER ADOPTING REPORT AND RECOMMENDATION (DKT. 68)

This matter is before the Court on Magistrate Judge Barbara D. Holmes's November 27, 2017 Report and Recommendation (Dkt. 68), recommending that the motions for summary judgment filed by Defendants Robert Arnold (Dkt. 47), Rudd Medical Services, P.L.C., John Daniel Rudd and Kenneth Tucker (Dkt. 51), Melissa Foster (Dkt. 58), and James O'Rourke (Dkt. 61) be **GRANTED**, and that this action be **DISMISSED WITH PREJUDICE** as to all claims and Defendants.

The Court has reviewed the Magistrate Judge's Report and Recommendation. The law provides that either party may serve and file written objections "[w]ithin fourteen days after being served with a copy" of a report and recommendation. 28 U.S.C. § 636(b)(1). The district court will make a "*de novo* determination of those portions of the report . . . to which objection is made." *Id.* Where, as here, neither party objects to the report, the district court is not obligated to independently review the record. *See Thomas v. Arn*, 474 U.S. 140, 149-52 (1985). The Court will

therefore accept the Magistrate's Report and Recommendation of November 27, 2017 as this Court's findings of fact and conclusions of law.

Accordingly, it is hereby **ORDERED** that Magistrate Judge Holmes's Report and Recommendation of November 27, 2017 is **ACCEPTED** and **ADOPTED**.

SO ORDERED.

Dated: December 21, 2017

s/Terrence G. Berg

TERRENCE G. BERG
UNITED STATES DISTRICT JUDGE
SITTING BY SPECIAL DESIGNATION